IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 518 of 2005

Between:

1 B.B.T. Sundaramma, W/o B. Jagannadha Rao,
2 B. Perum Raju, S/o B. Jagannadha Rao,
3 B. Maheswar, S/o B. Jagannadha Rao,
4 B. Balagopal, S/o B. Jagannadha Rao,
5 B.v. Janardhanam, S/o B. Jagannadha Rao,
6 Pressing Rajeswaramma, W/o P.Mallikarjuna Rao,
All the Petitioners are permanent Residents of H.No. 17/340,

Danduvari Street, Nellore.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Nellore.
2 The Revenue Divisional Officer, Nellore.
3 The Government of Andhra Pradesh, rep. by its Secretary,

Revenue Department, Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or an Order more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 1 and 2 in issuing the impugned Notice No. RCB 1846/2004 dt. 16-10-2004 and taking further steps in pursuance of the said Notice without considering the Representations of the Petitioners, dt. 19-11-2003 and
5-12-2003 and also Objection Petitions as illegal, arbitrary and against to the principles of Natural Justice and consequentially to direct the Respondents 1 and 2 to consider the said Representations and Objections Petitions and to pass appropriate Orders on the same and to pass such other relief or relief as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.AMBADIPUDI SATYANARAYANA
Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioners claim to be owners of land admeasuring
Acs.16.09 cents situated in Survey Nos.445/A2, 445/A4, Kodurupadu village of Nellore Mandal, Nellore district, filed the present writ petition questioning the proceedings dated 16-10-2004, issued by the Mandal Revenue officer, calling for the petitioner to appear before him together with available records. The petitioner stated to have appeared before the first respondent Mandal Revenue Officer and submitted a representation. The grievance of the petitioner is that without considering the explanation submitted by the petitioner, the respondent is resorting to distribute the subject land to landless poor on 26-1-2005.

Learned Government Pleader for Revenue submitted that considering the explanation, the first respondent passed order dated
20-1-2005 holding that the subject lands are not ryotwari lands and are recorded as Government lands.

Prima facie, the impugned order dated 16-10-2004 is only in the nature of a show cause notice, against which a writ petition is not maintainable. Apart from that, considering the explanation submitted by the petitioner, the respondent has passed an order vide RC.B.2963/2004 dated 20-1-2005 holding that the subject lands are Government lands. If the petitioner is still aggrieved, he is at liberty to challenge the proceedings dated 20-1-2005 before the appropriate forum. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

27TH JANUARY,2005

TVK

To:

1 The Mandal Revenue Officer, Nellore.
2 The Revenue Divisional Officer, Nellore.
3 The Secretary, Revenue Department,

Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.

4 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad(OUT)

5 Two CD copies